

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 JUN -8 AM 9:32

O'NEAL DANDRIDGE,

Plaintiff,

v.

No. 05-2401

OKAEI HOOMAN and
JOSE A. BARRIGA,

Defendants.

ROBERT R. DI TROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

ORDER DISMISSING ACTION WITHOUT PREJUDICE

On June 6, 2005, pro se Plaintiff, O'Neal Dandridge, submitted a filing to the Court which stated "I am closing the complaint of 2005 June - 3 of 05-2401-BP, because we are sick." After reviewing the filing, the Court concludes that Plaintiff is submitting a notice of voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Rule 41(a) provides that "an action may be dismissed by the plaintiff without order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment." Fed. R. Civ. P. 41(a). As the Defendants have not submitted an answer nor filed a motion for summary judgment, the Plaintiff's notice is proper. Accordingly, the Court DISMISSES Plaintiff's lawsuit without prejudice pursuant to Rule 41(a).

IT IS SO ORDERED this 1st day of June, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02401 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

O'Neal Dandridge
3120 Alta Road
Memphis, TN 38109

Honorable J. Breen
US DISTRICT COURT